

Item SPR06-26 Response Form

Title: Criminal and Juvenile Delinquency Cases: Subpoena and Subpoena Duces Tecum (adopt Judicial Council form CR-125/JV-630 and repeal form 982(a)(16))

- ☐ **Agree** with proposed changes
- ☐ **Agree** with proposed changes **if modified**
- ☐ **Do not agree** with proposed changes

Comments: _____

Name: _____ **Title:** _____

Organization: _____

- ☐ **Commenting on behalf of an organization**

Address: _____

City, State, Zip: _____

Please **write** or **fax** or **respond using the Internet** to:

Address: Ms. Romunda Price,
Judicial Council, 455 Golden Gate Avenue,
San Francisco, CA 94102
Fax: (415) 865-7664 **Attention:** Romunda Price
Internet: www.courtinfo.ca.gov/invitationstocomment

DEADLINE FOR COMMENT: 5:00 p.m., Friday, June 23, 2006

Your comments may be written on this *Response Form* or directly on the proposal or as a letter. If you are not commenting directly on this sheet please remember to attach it to your comments for identification purposes.

Circulation for comment does not imply endorsement by the Judicial Council, the Rules and Projects Committee, or the Policy Coordination and Liaison Committee. All comments will become part of the public record of the council's action.

Invitations to Comment SPR06-26

Title	Criminal and Juvenile Delinquency Cases: Subpoena and Subpoena Duces Tecum (adopt Judicial Council form CR-125/JV-630 and repeal form 982(a)(16)).
Summary	Proposed form CR-125/JV-630 would update the existing criminal and juvenile delinquency subpoena form 987(a)(16), without making any substantive changes.
Source	Criminal Law Advisory Committee
Staff	Joshua Weinstein, 415-865-7688, joshua.weinstein@jud.ca.gov
Discussion	<p>The current subpoena form in criminal and juvenile delinquency cases, form 982(a)(16), is not easily understood by those unfamiliar with the criminal justice and juvenile delinquency systems. Both the format and the language used in the form make it difficult to understand what its purpose is and what is required of the witness or custodian of records. Therefore, the Criminal Law Advisory Committee, in consultation with the Family and Juvenile Law Advisory Committee, drafted a new version of the form. The proposed version of the form uses a more logical format and plain, more understandable language. The proposed changes do not alter the substance or legal requirements.</p> <p>The form is also renumbered, to remove it from the miscellaneous forms and place it in the criminal and juvenile form series.</p>
	Attachment

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY DRAFT 15 4/14/06 sl <i>Not approved</i> <i>by the</i> <i>Judicial Council</i>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
CASE NAME: _____	
ORDER TO ATTEND COURT OR PROVIDE DOCUMENTS (Subpoena/Subpoena Duces Tecum)	CASE NUMBER: _____

You must attend court or provide the documents listed below. Follow the orders checked in item ② below. If you do not, the judge can fine you, send you to jail, or issue a warrant for your arrest.

- ① To: _____
- ② You must follow the court order(s) checked below:
- a. ☐ Attend the hearing.
 - b. ☐ Attend the hearing *and* bring all items checked below.
 - c. ☐ If someone else is responsible for keeping the items checked below, that person (the Custodian of Records) must also go to the hearing.
 - d. ☐ Provide a copy of these items to the court (Do not use this form to obtain Juvenile Court records):
 - 1. _____
 - 2. _____
 - 3. _____
 - ☐ If this box is checked, provide all items listed on the attached sheet labeled "Provide These Items."
 - e. ☐ If this box is checked and you deliver all items listed above to the court **before the hearing**, you do not have to attend court if you follow the instructions in item ⑤.

③

Court Hearing Date:	The court hearing will be at (name and address of court):
Date: _____ Time: _____	_____
Dept.: _____ Rm.: _____	_____
Call the person listed in item ④ below to make sure the hearing date has not changed. If you cannot go to court on this date, you must get permission from the person in item ④. Ask the person in item ④ if you can charge the court for witness fees and mileage.	

④ The person who has required you to attend court or provide documents is:

Name: _____ Phone No.: _____

Title: ☐ District Attorney ☐ Defense Attorney ☐ Investigator for Public Defender ☐ Investigator for District Attorney

Address: _____

Number, Street, Apt. No. _____

City _____ State _____ Zip _____

Signature _____ Date: _____

CASE NAME: 	CASE NUMBER: DRAFT 15
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- ⑤ Put all items checked in item ② and your completed *Declaration of Custodian of Records* form in an envelope.
(You can ask the person in item ④ where to get this form.)
- Put the envelope inside another envelope. Then, attach a copy of page 1 of this form to the outer envelope. Or write this information on the outer envelope:
 - Case Name
 - Case Number
 - Your Name
 - Hearing Date, Time, and Dept.
 - Seal and mail the envelope to the Court Clerk at the address listed in item ③. You must mail these documents to the court within 5 days of service of this order
 - If you are the Custodian of Records, you must also mail the person in item ④ a copy of your completed *Declaration of Custodian of Records*.

— The server fills out the section below. —

Proof of Service of CR-125/JV-630

- A. I received this order for service on (date): _____
- B. I personally served a copy of this Order on:
 Date: _____ Time: _____ ☐ a.m. ☐ p.m.
 To (Name of person served): _____
 At this address: _____
 After I served this person, I mailed/delivered a copy of this Proof of Service to the person in item ④ on (date): _____
 Mailed from (city): _____
- C. I was not able to serve (Name of person you tried to serve): _____
- i. ☐ The person is not known at this address.
 - ii. ☐ The person moved and the forwarding address is not known.
 - iii. ☐ There is no such address.
 - iv. ☐ The address is in a different county.
 - v. ☐ I was not able to serve by the hearing date.
 - vi. ☐ Other (Explain): _____
- D. Server's name: _____ Phone No. _____
- E. The server (Check one):
- | | |
|-----------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|
| a. <input type="checkbox"/> is a registered process server | d. <input type="checkbox"/> works for a registered process server |
| b. <input type="checkbox"/> is not a registered process server | e. <input type="checkbox"/> is exempt from registration under Business and Professional Code section 22350(b). |
| c. <input type="checkbox"/> is a sheriff, marshal, or constable | |
- F. Server's Address: _____
 If server is a registered process server:
 County of registration: _____ Registration No.: _____

I declare under penalty of perjury under the laws of the State of California that I am at least 18 years old and not involved in this case and the information above is true and correct.



Server signs here

Date: _____